

DAVIS POLK & WARDWELL

450 LEXINGTON AVENUE
NEW YORK, NY 10017

212 450 4000
FAX 212 450 4500

MENLO PARK
WASHINGTON, D.C.

LONDON

PARIS

FRANKFURT

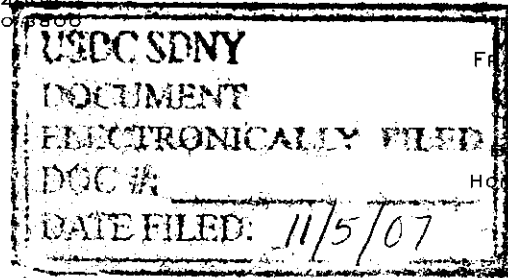
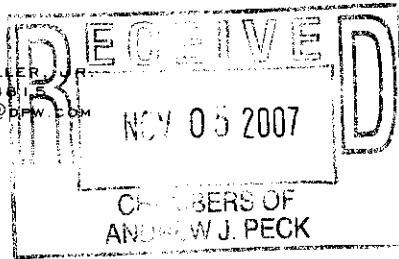
MADRID

TOKYO

BEIJING

HONG KONG

WILLIAM R. MILLER
212 450 4000
WILLIAM.MILLER@DPW.COM



November 2, 2007

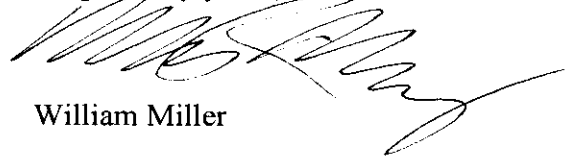
Re: Lopez, et al. v. Flor de Mayo, Inc., et al. (No. 07-CV-6526)

Honorable Andrew J. Peck
United States Magistrate Judge
United States District Court
for the Southern District of New York
500 Pearl St., Room 1370
New York, NY 10007

Dear Judge Peck:

I am co-counsel for Plaintiffs in the matter referenced above. I write to notify the Court that Plaintiff Adolfo Lopez will be unable to attend the settlement conference for this matter on November 19, 2007 because he has left the country to attend to a family emergency. We are in the process of obtaining an affidavit from Mr. Lopez authorizing the other Plaintiffs to enter into any settlement agreements on his behalf. Defendants have consented to Mr. Lopez's absence at the settlement conference. We respectfully request the Court's permission to proceed with the settlement conference as scheduled despite Mr. Lopez's absence.

Respectfully yours,


William Miller

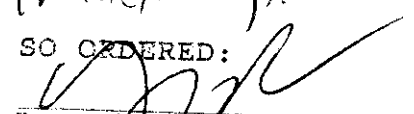
cc: Robert Ferrari, Esq.

By Hand Delivery

MEMO ENDORSED

APPROVED (reluctantly)

SO ORDERED:


Hon. Andrew Jay Peck
United States Magistrate Judge

BY FAX

copy for [unclear] [unclear]

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: November 5, 2007

Total Number of Pages: 2

TO	FAX NUMBER
William R. Miller, Jr., Esq.	212-450-3815
Robert V. Ferrari, Esq.	212-922-1939

TRANSCRIPTION:

MEMO ENDORSED 11/5/07

Approved (reluctantly).

Copy to: Judge Shira A. Scheindlin